

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 3, 2004 PLANNING COMMISSION MEETING

P.A.S.: Holland Acres Addition Community Unit Plan
Co Special Permit #138A

PROPOSAL: To revise an Outlot in a community unit plan containing 15
acreage residential units.

LOCATION: South 82nd Street & Panama Road

WAIVER REQUESTS: (previously granted)

1. Yard setbacks.
2. Minimum lot area
3. Ornamental street lighting.
4. Sidewalks.
5. Street trees.
6. Landscape screens.
7. Stormwater Detention
8. Block length.

LAND AREA: 245.43 acres, more or less.

CONCLUSION: This is an amendment to an Ag Community Unit Plan, proposing to
revise the boundary of Outlot "A". The density, roads, utilities and other
lots are not changed. Thought the same acres of land will remain in
agriculture and the lot cluster will not change, land use adjacent to some
lots could change and expectations of land home owners impacted.

<u>RECOMMENDATION:</u>	Denial
Co. Special Permit #138A	I
Waivers - previously approved	
1. Yard Setbacks:	
2. Minimum lot area:	
3. Ornamental lighting	
4. Sidewalks	
5. Street trees	
6. Landscape screens	
7. Stormwater Detention	
8. Block length	

GENERAL INFORMATION

LEGAL DESCRIPTION: A 254.43 acre portion of Outlot A, Holland Acres and the NW 1/4 of Section 2, T7N, R7E, all located in Section 2, T7N, R7E of the 6th P.M. , Lancaster County, Nebraska. See attached metes and bounds survey.

EXISTING ZONING: AG Agriculture with a CUP

EXISTING LAND USE: Acreage Community Unit Plan of 15 acreage lots and farmland on the outlot.

SURROUNDING LAND USE AND ZONING:

Agricultural use zoned AG with scattered single family units. Unincorporated town of Holland abutting to the east.

HISTORY: Holland Acres CUP was approved by the County Board in November 1995. The Final Plat for Holland Acres was approved in July of 1996. Zoned AG in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture, outside all Tiers. A cluster is permitted by special permit in the AG district.

UTILITIES: This is in the Lancaster Rural Water District but is not in an area currently served. The Holland SID #3 provides sewer and water to the settlement of Holland and water to this CUP. This is in the Norris Public Power District.

TOPOGRAPHY: This sits at the top of a hill and generally slopes down in all directions.

TRAFFIC ANALYSIS: Panama Road is a paved Rural Major Collector, S. 82nd is a gravel local county road and S. 96th is a gravel Minor Collector.

PUBLIC SERVICE: Public service is by the Sheriff, Hickman Rural Fire District, and Norris Public school.

REGIONAL ISSUES: na

ENVIRONMENTAL CONCERNS: There are no historic or ecological resources listed at this site. The soil rating is a 7.25 on a scale of 1 to 10 where 1 is the highest and 1 to 4 are prime ag land. There is a dam and some drainageways in the area of application.

AESTHETIC CONSIDERATIONS: View and neighbors to some lots.

ALTERNATIVE USES: no change

ANALYSIS:

1. This request is to reconfigure the Outlot of the approved Community Unit Plan (CUP) to reduce the outlot on the east and extend it on the north.
2. This request is in general conformance with the Comprehensive Plan.
3. Waivers have previously been requested and approved for this CUP. No additional waivers are needed for this application.
4. The Holland Acres Home Owners Association requests denial.
5. The Outlot is owned by the applicant. All lots in the subdivision have been sold to others.
6. The Holland SID notes they have no obligation to serve the area proposed to be removed from the Outlot.
7. The County Engineer and City County Health have no issues.
8. The density and permitted lots would not change, however, the area removed from the current outlot configuration could then be developed into 20 acre parcels. This could have some visual impact and eliminates reserved open space /farmland adjacent to lots 2,3 and 4 that abut the area.

CONDITIONS FOR SPECIAL PERMIT #138A:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Revise sheet 2 to remove conflicting information with sheet 1. Such as the acreage and the legal description. Required information may be transferred to sheet 1 and sheet 2 dropped to meet this.

- 2 This approval permits 15 single family lots and an adjustment of outlot "A".

General:

3. Before receiving building permits:
 - 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
 - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
 - 3.3 The construction plans are to comply with the approved plans.
 - 3.4 The final plat(s) is/are approved by the County Board.
 - 3.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
 - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
 - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.
 - 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
February 23, 2004

APPLICANT: Daryll Lightner and Lionell Kaar, Partners
5040 Braemer Road
Lincoln, NE 68516
(402) 423-8421

CONTACT: Lyle Loth
ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512
421-2500

OWNERS: Dale E. Harlan for the NW 1/4 of Section 2-7-7
D&L Company, NGP for Outlot A, Holland Acres.

LEGAL DESCRIPTION

A tract of land located in Section 2, T. 7 N., R. 7 E. of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of said section and extending N 01°47'46" E, 1122.93 feet to the point of beginning;

Thence continuing on said bearing 2731.92 feet;

Thence S 89°57'24" E, 2690.68 feet;

Thence S 02°16'05" W, 2688.52 feet;

Thence S 90°00'00" E, 77.80 feet;

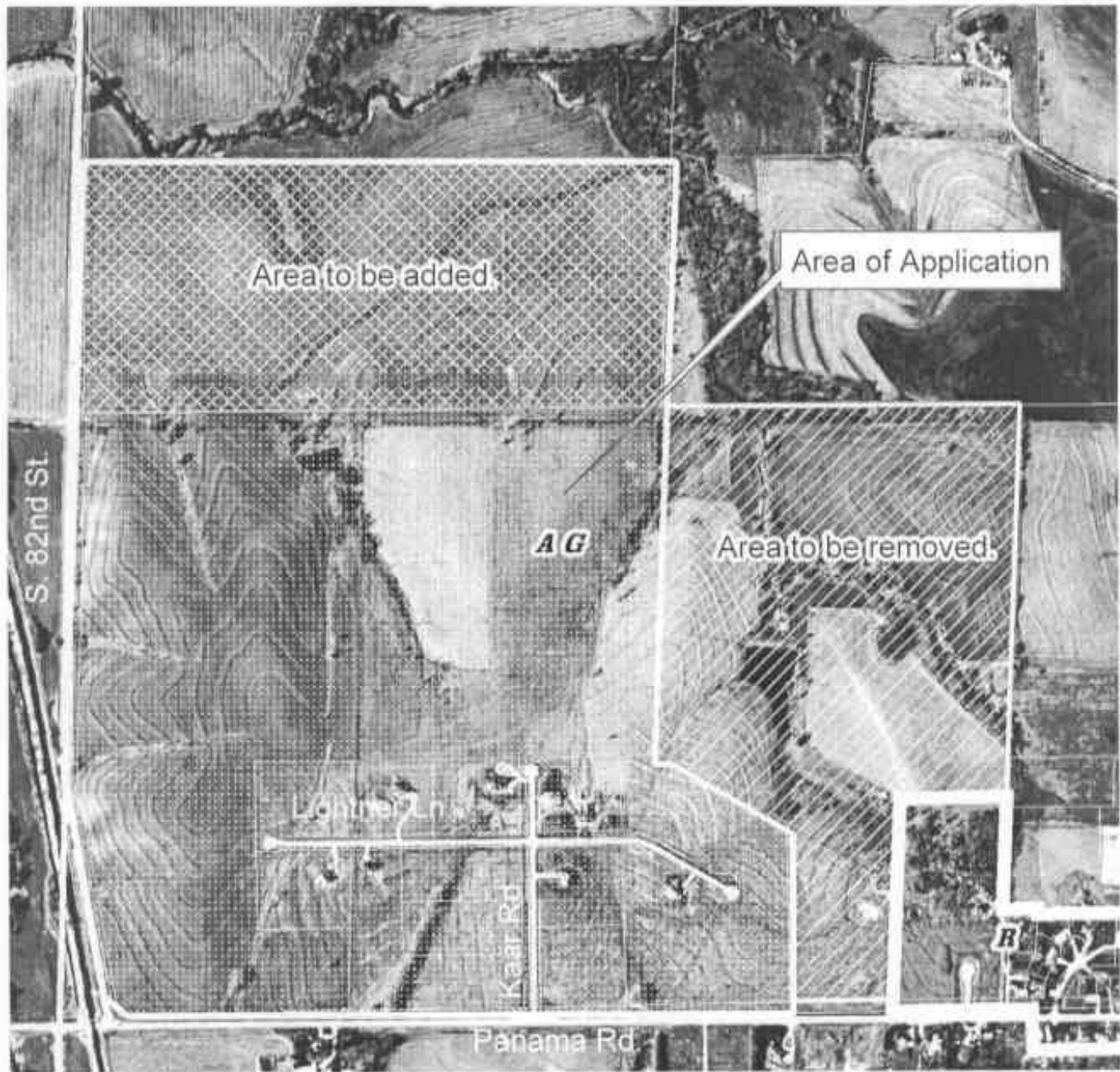
Thence S 60°00'00" E, 635.47 feet;

Thence S 00°00'00" W, 796.77 feet;

Thence S 90°00'00" W, 3021.42 feet;

Thence N 51°05'27" W, 136.44 feet;

Thence N 09°48'05" W, 1001.36 to the point of beginning containing 245.43 acres, more or less.



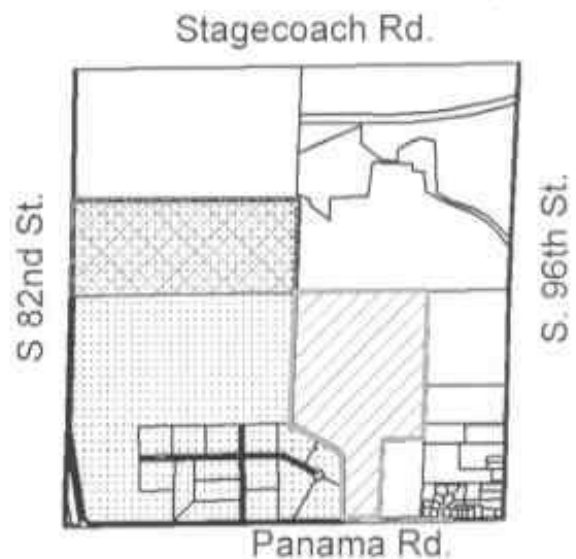
1999 aerial

County Special Permit #138A S. 82nd & Panama Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 2 T7N R7E

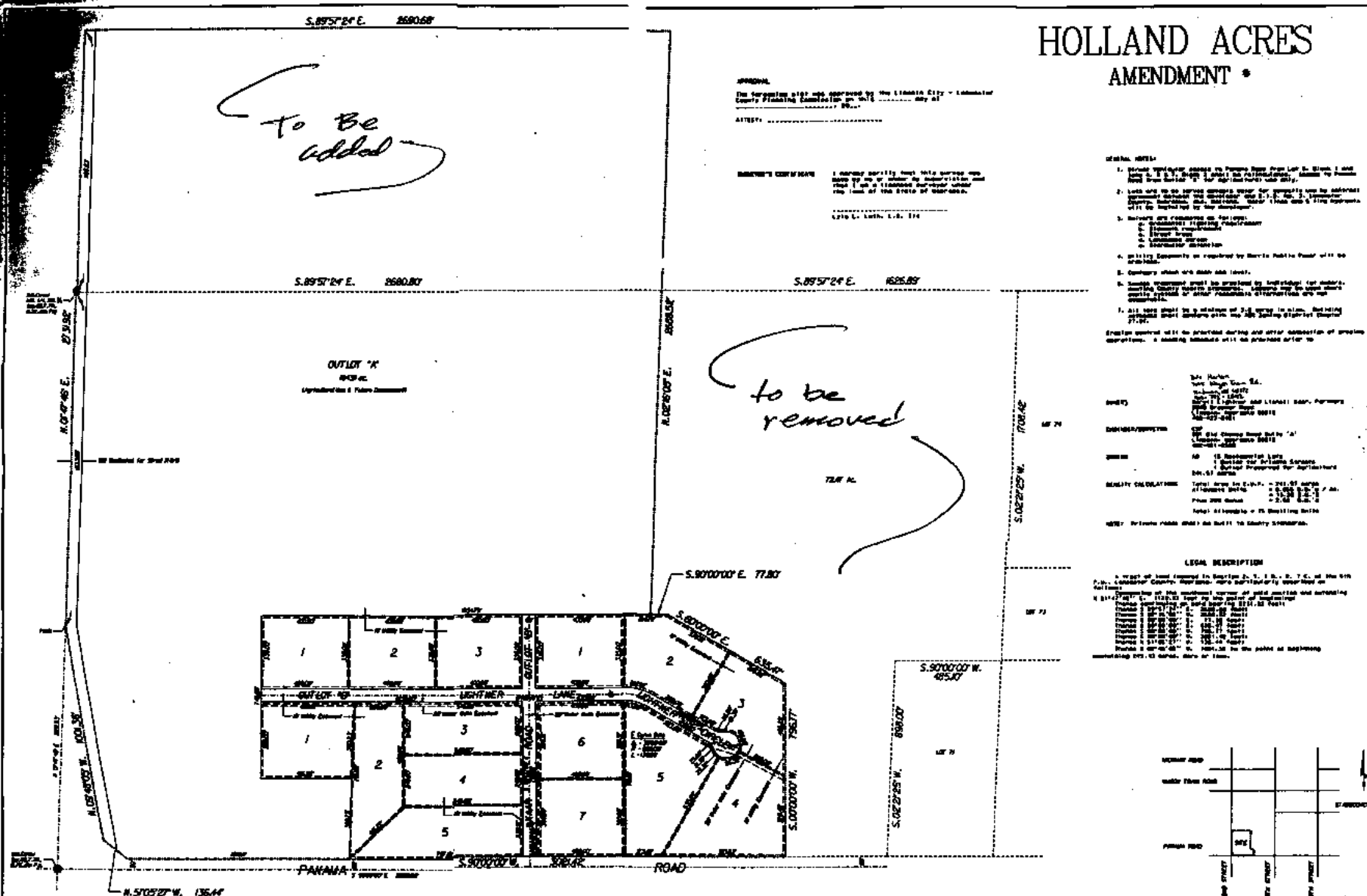


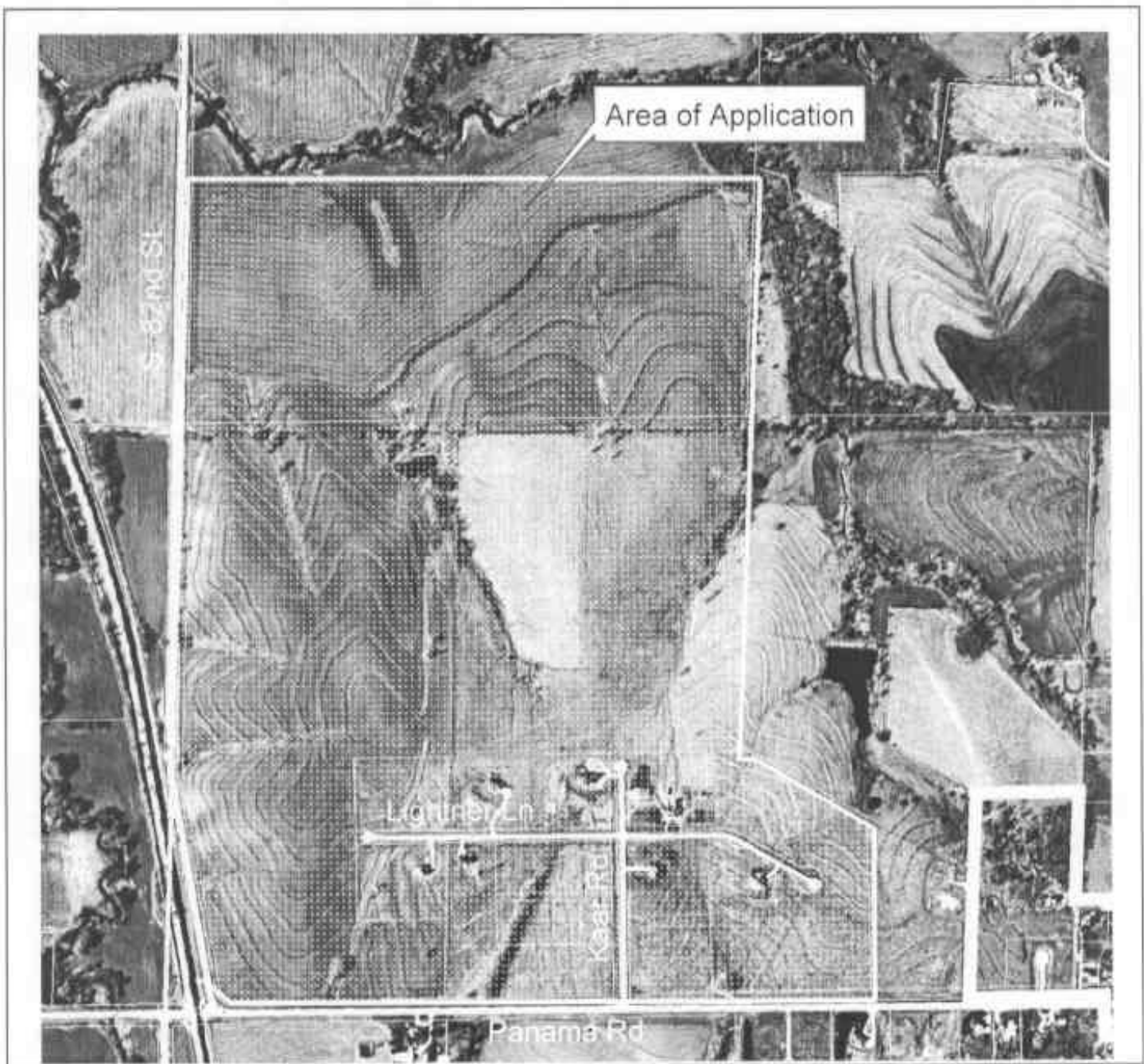
County Special Permit #138A
S. 82nd & Panama Rd.

601 OLD
CHENEY ROAD
SUITE 'A'
LINCOLN,
NEBRASKA
68512

DATE OF MATR

2 of 2





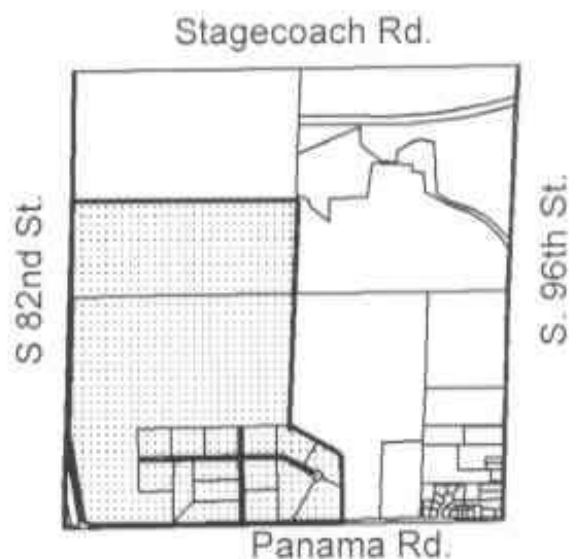
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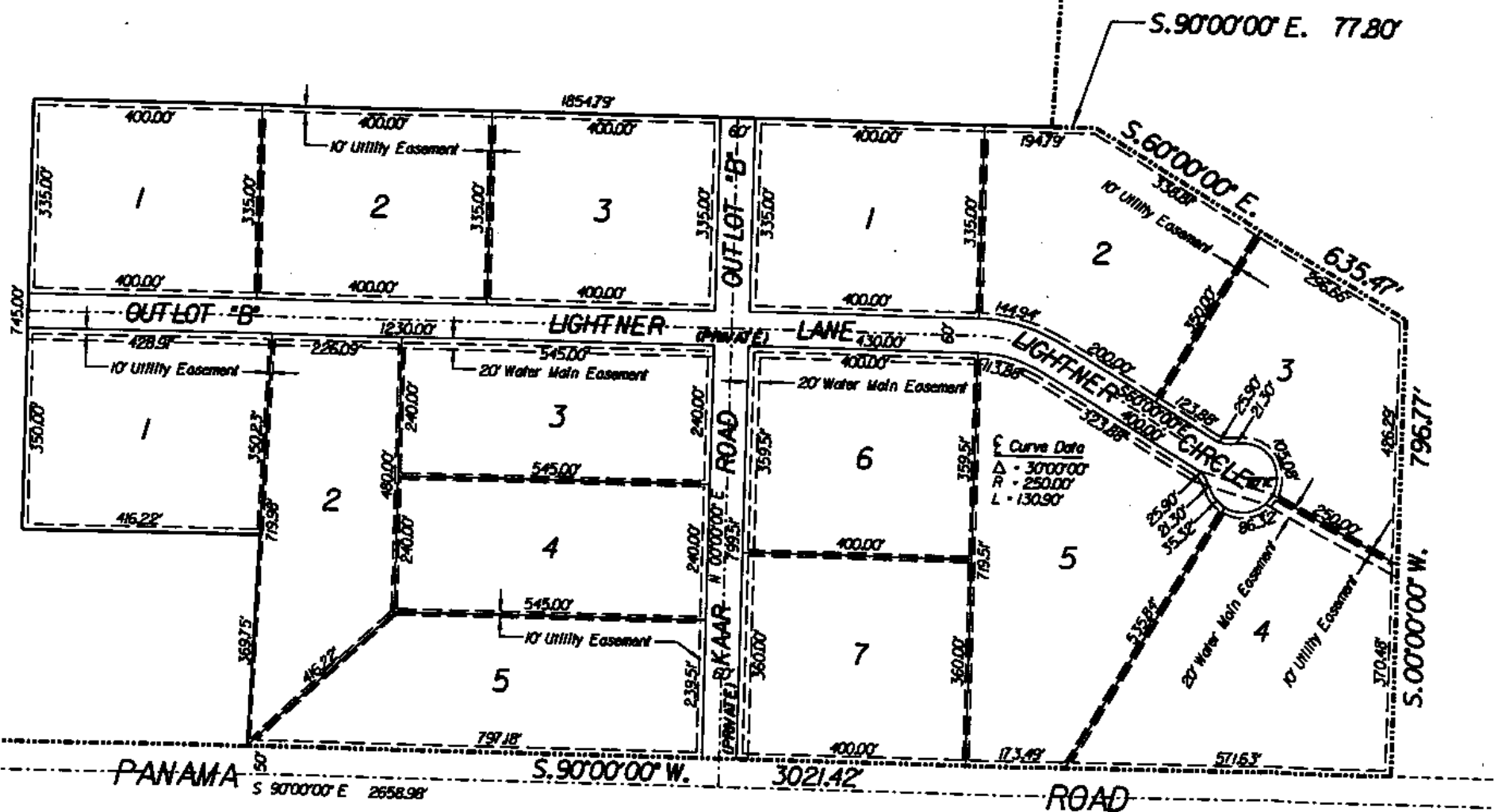
County Special Permit #138A S. 82nd & Panama Rd.

Zoning:

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One Square Mile
Sec. 2 T7N R7E





County Special Permit #138A
S. 82nd & Panama Rd.

County Special Permit #138A
S. 82nd & Panama Rd.

HOLLAND ACRES

AMENDMENT

E.S.P.
CONSULTING
ENGINEERS

601 OLD
CHENEY ROAD
SUITE 'A'
LINCOLN,
NEBRASKA
68512

GENERAL NOTES:

1. Direct Vehicular Access to Panama Road from Lot 5, Block 1 and Lots 4, 5 & 7, Block 2 shall be relinquished. Access to Panama Road from Outlot 'A' for agricultural use only.
2. Lots are to be served potable water for domestic use by contract agreement between the developer and S.L.D. No. 3, Lancaster County, Nebraska, aka. Holland. Water lines and 5 fire hydrants will be installed by the developer.
3. Waivers are requested as follows:
 - a. Ornamental lighting requirement
 - b. Sidewalk requirement
 - c. Street Trees
 - d. Landscape screen
 - e. Stormwater detention
4. Utility Easements as required by Norris Public Power will be provided.
5. Contours shown are mean sea level.
6. Sewage treatment shall be provided by individual lot owners, meeting County Health standards. Lagoons may be used where septic systems or other reasonable alternatives are not acceptable.
7. All lots shall be a minimum of 3.0 acres in size. Building setbacks shall conform with the AGR Zoning District Chapter 27.07.

Erosion control will be provided during and after completion of grading operations. A seeding schedule will be provided prior to

COMMUNITY
UNIT
PLAN

JAN 30 2004

LOT 74

OWNERS Dale Harlan
7005 Wagon Train Rd.
Hickman, NE 68372
402-792-2842
Darryl Lightner and Lionell Kaar, Partners
5040 Braemar Road
Lincoln, Nebraska 68516
402-423-8421

ENGINEER/SURVEYOR ESP
601 Old Cheney Road Suite 'A'
Lincoln, Nebraska 68512
402-421-2500

ZONING AG 15 Residential Lots
1 Outlot for Private Streets
1 Outlot Preserved for Agriculture
241.57 Acres

DENSITY CALCULATIONS Total Area in C.U.P. = 241.57 acres
Allowable Units = 0.055 D.U.'s / Ac.
= 13.28 D.U.'s
Plus 20% Bonus = 2.66 D.U.'s
Total Allowable = 15 Dwelling Units

NOTE: Private roads shall be built to County Standards.

LEGAL DESCRIPTION

1708.42'

S.02°21'25"W.



LYLE L. LOTH, PE/L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500

Fax (402) 421-7096

Email: lyle@espeng.com

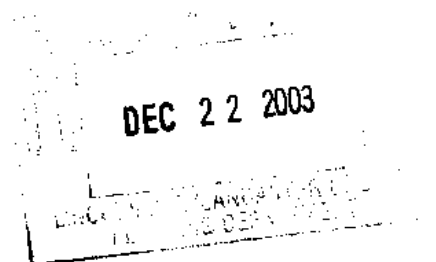
File No. 94-0350
Mike Dekalb
Planning Dept.
555 South 10th St.
Lincoln, NE 68505

Re: Holland Acres Community Unit Plan

Dear Mike,

Enclosed are 12 copies of the original CUP with revisions and 12 copies of the revised edition for the above referenced project. As you will see, there are no changes to any of the unit sizes or configuration. The amendment only addresses Outlot 'A'. The size of Outlot 'A' will remain the same but the perimeter will be extended to the north instead of to the east as per the original CUP. The acquisition of the property to the north is equivalent to the amount that was originally included in the Outlot. If there are any questions or concerns you may have please let me know at your convenience.

Lyle L. Loth
President,
ESP
421-2500



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: February 6, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Holland Acres
SP #138A
Revised Boundary

The developer has adequately addressed the Lincoln-Lancaster County Health Department's issues concerning water supply and wastewater treatment in the general notes shown on the site plan.




Lancaster
County

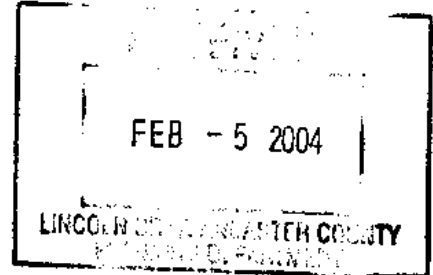
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: February 4, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: HOLLAND SID
REVISE BOUNDARY FOR CUP (REVISED)



Upon review, this office has no objections to this submittal.

LVW/cm

HARDING, SHULTZ & DOWNS

A LAW PARTNERSHIP OF PROFESSIONAL CORPORATIONS

800 LINCOLN SQUARE
121 SO. 13TH STREET
P.O. BOX 62028
LINCOLN, NE 68501-2028
402/434-3000 FAX 402/434-3030

E-MAIL firm@hsdlegal.com
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WELLS FARGO CENTER
1700 LINCOLN STREET
SUITE 2000
DENVER, CO 80203-4518
303/832-4400 FAX 303/832-6154

*Please respond to our
Lincoln office*

February 3, 2004

54339-1

Mr. Mike Dekalb
Lancaster County Planning Department
555 So. 10th Street
Lincoln, NE 68505

Re: *Request to Revise Boundary of Holland Acres' C.U.P.*
File No. 94-0350; Application No. 138A

Dear Mr. Dekalb:

I am writing to advise you that, on January 27, 2004, after careful consideration, the members of the Holland Acres Neighborhood Association voted to deny Daryll Lightner's request to revise the boundary of the Holland Acres' C.U.P.

Please feel free to contact Tom Gourlay if you have any questions.

Very truly yours,

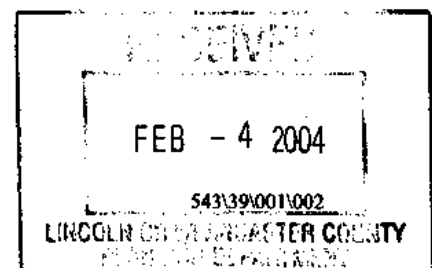
HARDING, SHULTZ & DOWNS



Gregory D. Barton

GDB/tbb

cc: Mr. Tom Gourlay, President,
Holland Acres Neighborhood Association

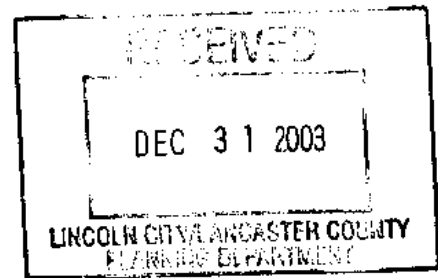


**Law Offices of
Charles F. Noren**

1638 Trelawney Dr. • Lincoln, NE 68512-1826
(402) 423-5928 • Cellular: 770-4316 • FAX: (402) 423-5928
E-Mail: cfnoren@inebraska.com

December 30, 2003

Mr. Mike DeKalb
County/City Planning Department
555 So. 10th Street
Lincoln, NE 68505



Re: Application No. 138A - Amendment to Holland Acres Community Unit Plan

Dear Mr. DeKalb:

Per your Memo and our subsequent conversation regarding the above referenced application to amend the Holland Acres CUP, I am submitting the following comments on behalf of S.I.D. No. 3, Lancaster County (a/k/a Holland). Please be advised that the Board of Trustees of the S.I.D. will be meeting on Jan. 5, 2004 and may want to make additional comments after that meeting.

The principal involvement of S.I.D. No. 3 with the Holland Acres CUP is providing water to the Home Owners Assn. for resale to the residents of the 15 lots within the CUP. I would call your attention to the following documents:

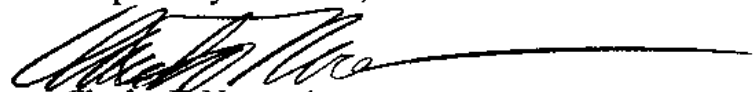
(A) The AMENDED AGREEMENT BETWEEN S.I.D. NO. 3 AND LIGHTNER FOR SALE OF WATER (the Water Agreement) recorded with the Lan. Co. Reg. Of Deeds as Ex. B to Inst. No. 96-033312;

(B) The Easement (Lan. Co. Register of Deeds Inst. No. 96-034370) granted by the owners to the Homeowners Assn. and S.I.D. No. 3 which is located on that part of the present Outlot A which would be replaced by the proposed change in boundaries; and

(C) The By-Laws of the Holland Acres Homeowners Assn. Inc. Recorded as Inst. No. 96-033315.

S.I.D. No. 3 would want to make it a matter of record that: (1) it is under no obligation to provide water to that portion of Outlot A being "replaced" or "removed" from the Holland Acres CUP; (2) requests to obtain water from S.I.D. No. 3 will be subject to the provisions of the above referenced "Water Agreement", particularly paragraph 6 (c) thereof; and, (3) the change in the boundaries of the CUP as proposed by the applicant, will not change the applicable agreements of the S.I.D. or the "area" originally referred to in those agreements as they pertain to the sale of water to Holland Acres.

Respectfully submitted,


Charles F. Noren, Attorney
S.I.D. No. 3 (Holland)